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THE CORONER IN NEW YORK STATE

His Duties and
Responsibilities

1939

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NEW YORK STATE DEPARTMENT OF HEALTH
Albany, N. Y.

Edward S. Godfrey, Jr., M. D.
Commissioner

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NEW YORK STATE DEPARTMENT OF HEALTH
Albany, N. Y.

Edward S. Godfrey, Jr., M. D.
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NEW YORK STATE DEPARTMENT OF HEALTH
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1. That they abolish the position of coroner in their county and substitute the new title of medical examiner with proper statutory requirements for this individual.

2. If this recommendation does not meet with the full approval of the legislature in any county, when it is suggested that the person appointed for the position of coroner be required to have a physician's license as provided in this statute so as to reduce the expense to the county entailed by the appointment of a physician to aid and assist him in conducting his post-mortem examinations.

While the search of the statutes has been carefully performed, the author does not guarantee that there are not other provisions in the statutes of New York which may have been overlooked, and any reader is requested to notify the State Department of Health as to omissions which may have been noticed so that in future publications, if any, the missing provisions may be inserted.

Edmund J. Brennan

INTRODUCTION

This volume has been prepared with a thought in mind of giving to the coroners and others concerned with the activities of these officials a source of information covering all the statutory provisions relating to one of the oldest positions which has been handed down to the present generation from the old common law of England.

It will be noted that under this title you will find no place in the statutes any statement as to the qualifications or educational background which an individual must possess in order to be eligible for election to the position as coroner.

Due primarily to the most important duties that this officer is compelled to perform, it will be noted that at least in the State of New York some counties have abolished the position of coroner and substituted therefor a new position under the title of medical examiner. The administration of this new office has resulted in the appointment of persons who possess more adequately the proper qualifications for the important duties devolving upon the official.

In the counties where the coroner still exists, it has been found that in some cases they do elect physicians, but in many other cases a layman holds the office of coroner at the present time. This requires that when an autopsy or post-mortem examination is required, it is necessary that the lay official call in to assist him a coroner physician, hence requiring the attendance and expense of two persons when, if the coroner were himself a physician, only one official would need to be present. It is recommended to county officials and to the individuals in each county:

1. That they abolish the position of coroner in their county and substitute the new title of medical examiner with proper statutory requirements for this individual.

2. If this recommendation does not meet with the full approval of the electors in any county, then it is suggested that the person nominated for the position as coroner be required to have a physician's license to practice in this State so as to reduce the expense to the county necessitated by the coroner's designation of a physician to aid and assist him on autopsies and post-mortem examinations.

While the search of the statutes has been carefully performed, the author does not guarantee that there are not other provisions on the statutes of New York State which may have been overlooked, and any reader is requested to notify the State Department of Health as to sections which may have been omitted so that in future publications, if any, the missing provisions may be inserted.

Edmund Schuman

CHAPTER I

ELECTION AND TENURE OF OFFICE

COUNTY LAW

§180. *Election, appointment and terms of office of sheriffs and coroners, and the undertaking of sheriffs.* - There shall continue,

1. To be elected in each of the counties a sheriff, and in each of the counties containing a population of one hundred thousand and over, except Westchester, Nassau and Schenectady counties, four coroners, and in all other counties such number of coroners, not more than four, as shall be fixed by the board of supervisors, who shall respectively hold their offices for three years from and including the first day of January succeeding their election. The board of supervisors of a county containing a population of one hundred thousand and over, may, by resolution duly adopted, subdivide such county into districts of not more than one district for each coroner to be elected, and on general election day in the next calendar year and every ~~third~~ year thereafter, there shall be elected one coroner from each of such districts, each of whom shall have jurisdiction to perform the duties of the office anywhere within the territorial limits of such county. The terms of office of all coroners elected prior to the adoption of such resolution shall expire on the thirty-first day of December in the next calendar year. The board of supervisors of a county containing a population of less than one hundred thousand, and having more than one coroner, may, by resolution, determine that after the first day of January of a year to be specified in such resolution, the number of coroners in such county shall be reduced to a specified number not less than one, and may by such resolution fix the terms of coroners to be thereafter elected in such county so that the terms of all the coroners therein will expire on the first day of January of the year specified in the resolution.

1-a. To be elected in the county of Schenectady but one coroner who shall hold office for three years from and including the first day of January next succeeding his election. The coroner now in office shall continue to hold office until the expiration of his term.

2. To be appointed by the governor, a sheriff, or a coroner, when a vacancy shall occur in either of such offices, and the person so appointed shall hold the office until and including the last day of December succeeding the first annual election thereafter, at which such vacancy can be lawfully filled.

§187. *When a coroner to act as sheriff.* - When a vacancy shall occur in the office of sheriff, and there shall be no under-sheriff of the county then in office, or the office of such under-sheriff shall become vacant, or he become incapable of executing the duties of the same before another sheriff of the same county shall be elected or appointed and qualified, and there shall be more than one coroner of such county then in office, the county judge of such county shall forthwith designate one of such coroners to execute the duties of the office of sheriff of the county, until a sheriff thereof shall be elected or appointed and qualified. Such designation shall be by a written instrument, signed by the judge, and filed in the office of the clerk of the county, and the clerk shall immediately give notice thereof to such coroner. Within six days after receiving such notice, such coroner shall execute a joint and several undertaking, with the same number of sureties, to be approved in the same manner and be subject in all respects to the same regulations as the security required by law from the sheriff of such county. After the execution and filing of such undertaking in the clerk's office, such coroner shall execute the duties of the office of sheriff of the same county until a sheriff shall be duly elected or appointed and qualified.

§188. *When other designations to be made.* - When the coroner so designated shall not, within the time specified, give the security required of him, the county judge shall, in like manner, designate another coroner of the county to assume the office of sheriff, and, if necessary, he shall make successive designation until all the coroners of the county shall have been designated to assume such office; and all the provisions contained in the last preceding section shall apply to every such designation and to the coroner named therein. If such vacancy shall occur when there shall be but one coroner of the county then in office, he shall be entitled to execute the duties of the office of sheriff therein until a sheriff shall be duly elected or appointed and qualified; but before he enters upon the duties of such office, and within ten days after the happening of the last vacancy in the office of the sheriff and under-sheriff, he shall execute with sureties a joint and several undertaking, the same as is required by law from a sheriff; and such undertaking shall be subject in all respects to the same regulations as the security required from the sheriff.

§189. *When county judge to appoint.* - If such coroner so in office on the happening of such vacancies shall neglect or refuse to execute such undertaking within the time required, or if all the coroners, where there are more than one in office in such event, shall successively neglect or refuse to execute the undertaking within the time required, the county judge shall appoint some suitable person to execute the duties of the office of sheriff in his county, until a sheriff therein shall be duly elected or appointed and qualified. Such appointment shall be made and filed in the same manner as the above designations and made and filed, and the clerk shall forthwith give notice thereof to the person so appointed, who shall, within six days thereafter, and before he enters upon the duties of his office, give such security as is required by law of sheriffs, and subject to the same regulations; and thereupon such person shall execute the duties of the office of sheriff of the county until a sheriff shall be duly elected or appointed, and qualified.

§190. *General provisions.* - Until some coroner designated or some person appointed by the judge shall have executed the security above required, or until a sheriff of the county shall have been duly elected or appointed, and qualified, the coroner or coroners of the county in which such vacancies shall exist shall execute the duties of the office of sheriff therein; and when any under-sheriff, coroner, coroners or other person shall execute the duties of the office of sheriff, pursuant to either of the foregoing provisions, the person so executing the same shall be subject to all the duties, liabilities and penalties imposed by law upon the sheriff duly elected and qualified, and he shall be entitled to the same compensation.

CHAPTER II

COMPENSATION AND FEES

COUNTY LAW

§191. *Coroners' salaries.* - The board of supervisors of any county shall have power to prescribe that coroners in said county shall receive a salary, instead of fees, and to fix the amount of such salary; and thereafter coroners in said county shall receive for their services only the salary so fixed and shall not be entitled to any fees whatever, except when performing the duties of a sheriff, in which last named case the coroner so acting shall have the same compensation as the sheriff, whose duties he performs, would have had.

The first part of the report deals with the general situation of the country. It is a very interesting and informative study of the country's development. The second part of the report deals with the specific details of the country's development. It is a very detailed and comprehensive study of the country's development. The third part of the report deals with the specific details of the country's development. It is a very detailed and comprehensive study of the country's development.

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APPENDIX

Table 1. Summary of the data.

Table 2. Summary of the data.

The appendix contains a series of tables and figures that provide a detailed summary of the data. The first table provides a summary of the data. The second table provides a summary of the data. The third table provides a summary of the data. The fourth table provides a summary of the data. The fifth table provides a summary of the data.

§192. *Fees of coroners.* - Coroners in and for the state of New York, except in the county of Kings and except in such other counties as have prescribed or shall hereafter prescribe, different compensation, shall be entitled to receive the following compensation for services performed: Mileage to the place of inquest and return, ten cents per mile. Viewing bodies, five dollars. Service of subpoena, ten cents per mile traveled. Swearing each witness, fifteen cents. Drawing decision, one dollar. Copying decision for record, per folio, twenty-five cents, but such officers shall receive pay for one copy only. For making and transmitting statements to the board of supervisors, each decision, fifty cents. For warrants of commitment, one dollar. For arrest and examination of offenders, fees shall be the same as justices of the peace in like cases. When required to perform the duties of sheriff, shall be entitled to and receive the same fees as sheriffs for the performance of like duties. Shall be reimbursed for all moneys paid out actually and necessarily by him in the discharge of official duties as shall be allowed by the board of supervisors. Shall receive for each and every day and fractional parts thereof spent in taking an inquisition, three dollars. For performing the requirements of law in regard to wrecked vessels, shall receive three dollars per day and fractional parts thereof, and a reasonable compensation for all official acts performed, and mileage to and from such wrecked vessels, ten cents per mile. For taking ante mortem statements shall be entitled to the same rates of mileage as before mentioned, and three dollars per day and fractional parts thereof, and for taking deposition of injured persons in extremis, one dollar. For making a report to the commissioner of motor vehicles concerning a death found to have been the result of a motor vehicle or motor cycle accident, one dollar.

§193. *Fees of coroner as witness.* - Whenever, in consequence of the performance of his official duties, a coroner becomes a witness in a criminal proceeding, he shall be entitled to receive mileage to and from his place of residence, ten cents per mile, and three dollars per day for each day, or fractional parts thereof, actually detained as such witness. This section also applies to the county of New York.

CODE OF CRIMINAL PROCEDURE

§790. *Compensation of coroners.* - The coroner is entitled, for his services, in holding inquests and performing any other duty incidental thereto, to such compensation as defined by special statutes.

CIVIL PRACTICE ACT

§1560. *Fees of coroner.* - A coroner is entitled for the services specified in this section to the following fees:

1. For performing any duty of a sheriff in an action or a special proceeding in which the sheriff, for any cause, is disqualified, the same fees to which a sheriff is entitled for the same services.

2. For confining a sheriff in a house by virtue of a mandate, and maintaining him while there, two dollars for each day, to be paid by the sheriff, before he is entitled to be discharged.

COUNTY LAW

§240. *County charges.* - The following are county charges:

1 - 9

10. All items of coroner's compensation and the accounts of the coroners of the county for such services as are not chargeable to the person employing them;

11.....

CHAPTER III

DUTIES AND POWERS

CODE OF CRIMINAL PROCEDURE

§952-i. *Powers of sheriffs and coroners.* - For this purpose he shall possess all the powers conferred upon coroners for the purpose of holding inquests by the first four sections of article first of title seventh of chapter second part fourth of the revised statutes.

NAVIGATION LAW

§81. *Powers and duties of sheriff and coroners.* - The sheriff and coroners of every county in which any wrecked property shall be found, when no owner or other person entitled to the possession of such property shall appear, shall severally take all necessary measures for saving and securing such property; take possession thereof, in whose hands soever the same may be, in the name of the people of the state; cause the value thereof to be appraised by disinterested persons, and keep the same in some safe place to answer the claims of the persons entitled thereto.

PUBLIC HEALTH LAW

§378. *Registration of deaths occurring without medical attendance.* - In case of any death occurring without medical attendance, it shall be the duty of the undertaker or other person to whose knowledge the death may come to notify the local health officer of such death, and when so notified the health officer shall immediately investigate and certify as to the cause of death; provided that if the health officer has reason to believe that the death may have been due to unlawful act or neglect he shall then refer the case to the coroner or other proper officer for his investigation and certification. The coroner or other proper officer whose duty it is to hold an inquest on the body of a deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the name of the disease causing death, or if from external causes, the means of death; whether probably accidental, suicidal or homicidal; and shall, in any case, furnish such information as may be required by the state commissioner of health in order properly to classify the death.

§5-a. *Regulation and control of autopsies.* - The commissioner of health shall prescribe and prepare the necessary methods and forms for obtaining and preserving records and statistics of autopsies which are conducted by the coroner or by his order within the state of New York, and shall require all those performing such autopsies, for the purpose of determining the cause of death, to enter upon such record the pathological appearances and findings embodying such information as may be prescribed, and to append thereto the diagnosis of the cause of death, and a copy thereof shall be duly filed, within ten days, with the coroner of the county in which such autopsy shall be held, and a transcript thereof shall be filed, within ten days thereafter, by the coroner, with the state commissioner of health, and it shall thereupon become a matter of public record which shall be open to the inspection and transcription of and by one affected or likely to be affected, in civil or criminal action, by its contents, upon an order of a court of record or of a justice of the supreme court. It shall be the duty of any surgeon performing such an autopsy, under the provisions of this section, to permit the attendance, as a matter of right, of a person, or the medical representative of such person, likely to be the defendant or representative of such deceased person in a civil or criminal action, of which such autopsy and its findings and conclusions may prove to become a part, or in any way affected thereby.

PENAL LAW

§2213. *Right to dissect dead body of a human being.* - The right to dissect the dead body of a human being exists in the following cases:

1. In the cases prescribed by special statutes; or,

2. Whenever a coroner is authorized by law to hold an inquest upon a body, or upon the written request of the duly constituted police authorities of the state, including the department of correction, or of a political sub-division of the state with a population of more than one hundred thousand persons, or on behalf of the police authorities of a political subdivision of the state with a population of less than one hundred thousand by request of the state department of correction or state police, so far as such coroner authorizes dissection for the purposes of the inquest, or to furnish the information desired by said police authorities, and no further; or,

3.....

4.....

CORRECTION LAW

§609. *Inquest of coroner on death of prisoner.* - Whenever a prisoner shall die in any state prison, it shall be the duty of the commissioner of correction and of the warden of the prison, if they or either of them shall have reason to believe that the death of the prisoner arose from any other cause than ordinary sickness, to call upon the coroner having jurisdiction to hold an inquest upon the body of such deceased prisoner.

COUNTY LAW

§196. *Duties of coroner when sheriff is a party.* - In an action or special proceeding, to which the sheriff of a county is a party, a coroner of the same county has all the power, and is subject to all the duties of a sheriff, in a cause to which the sheriff is not a party; except as otherwise specially prescribed by law.

§198. *Arrest of sheriff by coroner.* - Where a mandate, requiring the arrest of the sheriff of the county, is directed to a coroner, he must execute the same in the manner prescribed by law, with respect to the execution of a similar mandate by a sheriff; and he is authorized to take an undertaking on the arrest, or an undertaking for the jail liberties, in a like case, and in like manner, and with like effect, as where such an undertaking may be taken by a sheriff.

§199-a. *Place of confinement to be deemed a jail.* - That house thereupon becomes the jail of the county, for the use of the coroner and each provision of law relating to the jail, or to an escape from the jail, applies thereto, while the sheriff is confined therein.

§199-b. *Sheriff how admitted to jail liberties; liability of coroner for escape.* - A sheriff so arrested must be admitted to the liberties of the jail of the county, in a like case, and upon executing a like undertaking to the coroner, as prescribed by law for a prisoner in the sheriff's custody. For an escape of the sheriff from the liberties, the coroner is liable, in the same manner, and to the same extent, as a sheriff for a similar escape; and he may make the same defense as a sheriff.

§199-c. *Rights of coroner to prosecute, upon undertaking for jail liberties.* - The coroner may prosecute an undertaking for the liberties taken by him, and is entitled to all the rights, and subject to all the liabilities prescribed by law with respect to a similar undertaking taken by a sheriff. The undertaking may be assigned by him, to the party at whose instance the sheriff was arrested; and the same proceedings may be had thereupon, as upon an undertaking taken and assigned by a sheriff in a similar case.

§199-d. *Confinement of person arrested by coroner when sheriff is plaintiff.* - A person arrested by a coroner, in an action or special proceeding, in which the sheriff of the county is plaintiff, must be confined in the jail of the county, in a case where such a confinement is required or authorized by law; but the coroner is not liable for an escape of the prisoner from the jail, after he has been confined therein. A person so confined must be kept and treated, in all respects, like a prisoner confined by the sheriff.

§199-e. *Jail liberties, undertaking and discharge of person arrested by coroner.* - A person so arrested by a coroner is entitled to be discharged, or to the liberties of the jail, as the case requires, upon giving an undertaking to the coroner, in the like manner, and in a like case, in which a person arrested by a sheriff would be entitled to be discharged, or to the liberties. The undertaking so given must be in all respects similar to that required to be given to a sheriff; and it has the like effect, and may be assigned and proceeded upon in like manner.

§199-f. *Liability of coroner for escape of such prisoner.* - A coroner is answerable for an escape of a prisoner, admitted by him to the liberties of the jail, in the same manner and to the same extent as a sheriff and may interpose a like defense.

CODE OF CRIMINAL PROCEDURE

§773. *In what cases coroner to summon a jury. Number of jurors to be summoned.* - Whenever a coroner is informed that a person has been killed or dangerously wounded by another, or has suddenly died under such circumstances as to afford a reasonable ground to suspect that his death has been occasioned by the act of another by criminal means, or has committed suicide, he must go to the place where the person is and forthwith inquire into the cause of the death, or wounding and in case such death, or wounding, occurred in a county in which is situated in whole, or in part, a city having a population of more than five hundred thousand as appears by the last state enumeration, but not otherwise, summon not less than nine, nor more than fifteen persons, qualified by law to serve as jurors, to appear before him forthwith, at a specified place, to inquire into the cause of the death or wound, and if it shall appear from the sworn examination of the informant, or complainant, or if it shall appear from the evidence taken on, or during, the inquisition, or hearing, that any person, or persons, are chargeable with the killing or wounding, or that there is probable cause to believe that any person or persons are chargeable therewith, and if such person or persons be not in custody, he must forthwith issue a warrant for the arrest of the person or persons charged with such killing or wounding; and upon the arrest of any person, or persons, chargeable therewith, he must be arraigned before the coroner for examination, and said coroner shall have power to commit the person or persons so arrested to await the result of the inquisition or decision. Any coroner shall be disqualified from acting as such in any case where the person killed, or dangerously wounded, or dying suddenly, as aforesaid, is a co-employee with said coroner, of any person, or persons, association, or corporation, or where it appears that the killing or wounding has been occasioned, directly or indirectly, by the employer of said coroner.

§774. *Fees of jurors summoned on coroner's jury.* - The fees of jurors necessarily summoned upon any coroner's inquest shall be not to exceed one dollar for each day's service, shall be a county charge and shall be audited and allowed by the boards of supervisors in the same manner as other fees and charges mentioned in this title. But the coroner holding such inquest and summoning said jurors shall make report to

the next succeeding board of supervisors after every such inquest of the names of such jurors and the term of service of each, and upon what inquest rendered, on or before the third day of the annual session in each year.

§775. *Witnesses to be subpoenaed.* - The coroner may issue subpoenas for witnesses, returnable forthwith, or at such time and place as he may appoint. He must summon and examine as witnesses, every person who, in his opinion, or that of any of the jury, has any knowledge of the facts; and he must summon as a witness a surgeon or physician, who must in the presence of the jury, inspect the body, and give a professional opinion as to the cause of the death or wounding.

§775-a. *Fees of witnesses before coroner.* - A witness subpoenaed by a coroner is entitled to the same fees and mileage as a witness in a civil action in a court of record, and such fees and mileage shall be a county charge, and shall be payable by the treasurer of the county upon the certificate of the coroner, stating the number of days the witness actually attended before the coroner, and the number of miles traveled by him in order to attend.

§776. *Compelling attendance of witnesses, and punishing their disobedience.* - A witness served with a subpoena may be compelled to attend and testify, or punished by the coroner for disobedience, as upon a subpoena issued by a magistrate, as provided in this Code.

§777. *Verdict of the jury.* - After inspecting the body and hearing the testimony, the coroner must render his decision, or if in a county where a jury is summoned, as provided in section seven hundred and seventy-three, the jury must render their verdict, and certify it by an inquisition, or decision in writing, signed by him or them, as the case may be, and setting forth who the person killed or wounded is, and when, where and by what means he came to his death, or was wounded; and if he were killed, or wounded, or his death were occasioned by the act of another, by criminal means, who is guilty thereof, in so far as by such inquisition he or such jury has been able to ascertain.

§778. *Testimony, how taken and filed.* - The testimony of the witnesses examined before the coroner or the jury must be reduced to writing by the coroner, or under his direction, and must be forthwith by him, with the inquisition, or of a city court, having power to inquire into the offense by the intervention of a grand jury.

§779. *If defendant arrested before inquisition filed, depositions to be delivered to magistrate, and by him returned.* - If, however, the defendant be arrested before the inquisition can be filed, the coroner must deliver it with the testimony, to the magistrate before whom the defendant is brought, as provided in section seven hundred and eighty-one, who must return it with the depositions and statement taken before him, in the manner prescribed in section two hundred and twenty-one.

§780. *Warrant for arrest of party charged by verdict.* If the coroner or a jury, where a jury is summoned finds that the person was killed or wounded by another, under circumstances not excusable or justifiable, by law, or that his death was occasioned by the act of another, by criminal means, and the party committing the act be ascertained by the inquisition or decision, and be not in custody, the coroner must issue a warrant, signed by him with his name of office, into one or more counties, as may be necessary, for the arrest of the person charged.

§781. *Form of warrant.* - The coroner's warrant must be in substantially the following form: County of Albany (or as the case may be). In the name of the people of the state of New York, to any sheriff, constable, marshal or policeman in this county: An inquisition having been this day found by a coroner's jury before me (or a decision having been made by me), stating that A.B. has come to his death

by the act of C.D. by criminal means (or as the case may be), as found by the inquisition (or decision); or, information having been this day laid before me that A.B. has been killed or dangerously wounded by C.D., by criminal means (or as the case may be), you are hereby commanded forthwith to arrest the above-named C.D. and bring him before me, or in the case of my absence or inability to act, before the nearest or most accessible coroner in this county.

Dated at the city of Albany (or as the case may be), this day of , 19 .

E.F.

Coroner of the County of Albany,
(Or as the case may be)

§782. *Warrant, how executed.* - The coroner's warrant may be served in any county; and the officer serving it must proceed thereon, in all respects, as upon a warrant of arrest on an information; except, that when served in another county, it need not be indorsed by a magistrate of that county.

§783. *Duty of magistrate upon examination of charge.* - The magistrate, or coroner, when the defendant is brought before him, must proceed to examine the charge contained in the inquisition or information, and hold the defendant to answer or discharge him therefrom, in the same manner in all respects as upon a warrant of arrest on an information.

§784. *Inquisition and testimony for magistrate.* - Upon the arrest of the defendant, the clerk with whom the inquisition is filed, must, without delay, furnish to the magistrate, or coroner, before whom the defendant is brought, a certified copy of the inquisition and of the testimony returned therewith.

§785. *Coroner to deliver money or property found on deceased to county treasurer.* - The coroner must, within thirty days after an inquest upon a dead body, deliver to the county treasurer, any money or other property which may be found upon the body, unless claimed in the meantime by the legal representatives of the deceased. If he fail to do so, the treasurer may proceed against him for its recovery, by a civil action in the name of the county.

§786. *County treasurer to place money to credit of county; and to sell other property and place proceeds to credit of county.* - Upon the delivery of money to the treasurer he must place it to the credit of the county. If it be other property, he must, within one year sell it at public auction, upon reasonable public notice; and must, in like manner, place the proceeds to the credit of the county.

§787. *Money, when and how paid to representatives of deceased.* - If the money in the treasury be demanded within six years, by the legal representatives of the deceased, the treasurer must pay it to them, after deducting the fees and expenses of the coroner and of the county, in relation to the matter, or it may be so paid at any time thereafter, upon the order of the board of supervisors; provided, however, that such money may be so paid at any time on the written order of the surrogate of the county.

§788. *Supervisors to require statement under oath from coroner, before auditing his accounts.* - Before auditing and allowing the account of the coroner, the board of supervisors must require from him a statement in writing, of any money or other property found upon persons on whom inquests have been held by him, verified by his oath, to the effect that the statement is true and that the money or property mentioned in it has been delivered to the legal representatives of the deceased, or to the county treasurer.

COUNTY LAW

§197. *Any one of the coroners may execute a mandate.* - A mandate in a civil action or special proceeding which must or may be executed by the coroners, or by a coroner of a county, must be directed either to a particular coroner, or generally to the coroners of that county. Where such a mandate is directed generally to the

coroners of a county, or requires them to do any act, it may be executed, and a return thereto may be made and signed, by one of them; but such an act or return does not affect the others.

CODE OF CRIMINAL PROCEDURE

§952-h. *Affidavit and request for investigation.* - Whenever it shall be made to appear by the affidavit of a credible witness, that there is ground to believe that any building has been maliciously set on fire, or attempted to be, any coroner, sheriff or deputy sheriff of the county in which such crime is supposed to have been committed, to whom such affidavit shall be delivered, and who shall be requested in writing by the president, secretary or agent of any insurance company, or by two or more reputable freeholders to investigate the truth of such belief, shall do so without delay.

COUNTY LAW

§194. *Employment of stenographer and surgeons.* - A coroner shall have power, when necessary, to employ not more than two competent surgeons to make postmortem examinations and dissections and to testify to the same and in counties where coroners are paid in fees, to employ a stenographer to take and reduce to writing the testimony of witnesses examined before the coroner, the compensation therefor to be a county charge. This section also applies to the county of New York. Amended by L. 1910, Ch. 158.

CIVIL PRACTICE ACT

§755. *Appointment by court of person to execute deed.* - If, when the period, for redemption expires, a coroner, or a person specially appointed by the court, who has sold real property by virtue of an execution, is dead, or has been removed, or, in the case of a person entitled to a deed, must appoint a person to execute the deed accordingly.

PENAL LAW

§2480. *Keeping wrecked goods a misdemeanor.* - A person who takes away goods or other property not his own from a stranded vessel, or any goods or other property cast by the sea upon the land or found in a bay or creek, or who knowingly becomes possessed of any such goods or other property, and does not deliver the same, within forty-eight hours thereafter, to the sheriff or one of the coroners or wreck masters of the county where the same was found, is guilty of a misdemeanor.

SECOND CLASS CITIES LAW

§143. *Service of process.* - All criminal process for any offense committed within the city, and all process to recover or to enforce any penalty for the violation of any city, and all process to recover or to enforce any penalty

tion of any city ordinance issued out of any court or by any magistrate within the city, and every process, subpoena or bench warrant issued by the district attorney of the county in which the city is situated, relating to any offense committed within the city, and every process, subpoena or warrant issued by any coroner of such county in any inquest held in the city relative to the death of any person, may be served by any member of the police department.

CODE OF CRIMINAL PROCEDURE

§188 *Magistrate to inform defendant of the charge, and his right to counsel.* - When the defendant is brought before a magistrate upon an arrest either with or without warrant on a charge of having committed a crime, the magistrate must immediately inform him of the charge against him, and of his right to the aid of counsel in every stage of the proceedings, and before any further proceedings are had.

§221-a. *Recognizances and other papers to be filed.* - Every recognizance taken by any court, or by any magistrate, coroner or other officer, to appear and answer at any court, and the complaint, inquisition, affidavits and other papers upon which such recognizance is founded, shall be filed in the office of the clerk of the court at which the party is thereby recognized to appear, within ten days after the same is so taken.

§395. *Confession of defendant, when evidence, and its effect.* - A confession of a defendant, whether in the course of judicial proceedings or to a private person, can be given in evidence against him, unless made under the influence of fear produced by threats, or unless made upon a stipulation of the district attorney, that he shall not be prosecuted therefor; but is not sufficient to warrant his conviction, without additional proof that the crime charged has been committed.

§221-b. *Taking of examination, depositions and statements by official stenographer.* - Upon any examination provided for in this chapter, by or before any police justice or magistrate by whom an official stenographer shall have been appointed, under provision of law therefor, stenographic minutes of the proceedings and of the examination, depositions of witnesses and statement of the defendant, if any, shall be taken by such stenographer, and such minutes, when so taken and when certified by the stenographer and by the justice or magistrate who held such examination, shall be regarded as actually taken down in writing by said justice or magistrate and subscribed by the witness or witnesses at such examination and by the defendant, and as fully complying with the requirements of this chapter in reference to the taking and subscribing of such examination, depositions and statement. Where the defendant is charged with felony and is held to answer, a copy of such stenographic minutes, notwithstanding the provisions of any other law, shall be furnished by such official stenographer to the district attorney of the county. Upon request of the district attorney, such minutes shall also be furnished, notwithstanding the provisions of any other law, in those cases where the defendant is charged with a felony and is not held to answer.

CIVIL PRACTICE ACT

§1243. *Service of habeas corpus and fees.* - (1) A writ of habeas corpus can be served by any person of the age of twenty-one years and upwards.

(2) Where the prisoner is in custody of a sheriff, coroner, constable or marshal, the service is not complete unless the person serving the writ tenders to the officer the fees allowed by law for bringing up the prisoner and delivers to him an undertaking, with at least one surety, in a sum specified therein, to the effect that the surety will pay the charges of carrying back the prisoner if he shall be remanded, and that the prisoner will not escape by the way, either in going to, remaining at, or returning from the place to which he is to be taken. The sum so specified must be at least twice the sum for which the prisoner is detained, if he is detained for a specific sum of money; if not, it must be one thousand dollars.

(3) A court or a judge, (in its or his discretion, upon) allowing a writ of habeas corpus directed to any person other than a sheriff, coroner, constable or marshal, may require the applicant, in order to render the service thereof complete, to pay the charges of bringing up the prisoner. In that case, the amount of the charges, not to exceed the fees allowed by law to a sheriff for a similar service, must be specified in the certificate allowing the writ.

(4) This section is not applicable to a case where the writ is allowed upon the application of the attorney-general or a district attorney.

CHAPTER IV

RESTRICTIONS

JUDICIARY LAW

§473. *Constables, coroners, criers and attendants prohibited from practicing during term of office.* - A constable, coroner, crier, or attendant of a court, shall not, during his continuance in office, practice as an attorney or counsellor in any court, nor shall a sheriff, under-sheriff, deputy-sheriff, or sheriff's clerk so practice in the county in which he is elected or appointed.

CHAPTER V

WHO MAY SUBSTITUTE FOR

CODE OF CRIMINAL PROCEDURE

§789. *In New York, city magistrates may perform duties of coroner, during his inability.* - In the city of New York, if the coroner be absent or be unable, for any cause, to attend, the duties imposed by this title may be performed by a city magistrate, but by no other officer, with the same authority, and subject to the same obligations and penalties as apply to the coroner.

§789-a. *Justices of the peace to act as coroners in certain cases.* - Any justice of the peace, in each of the several towns and cities of this state, is hereby authorized and empowered, in case the attendance of a coroner can not be procured within twelve hours after the discovery of a dead body, upon which an inquest is now by law required to be held, to hold an inquest thereon in the same manner and with the like force and effect as coroners.

In all cases in which the cause of a death is not apparent, it shall be the duty of the justice to associate with himself a regularly licensed physician, to make a suitable examination for the discovery of said cause.

Each justice of the peace who shall hold inquests by virtue of this section, shall receive the same fees as are now allowed by law to coroners.

COUNTY LAW

§170. *When county clerks in the city of New York to act as coroners.* - In the city of New York the powers imposed and the duties conferred upon coroners by sections one hundred and ninety-six to one hundred and ninety-nine of this chapter shall be exercised and performed by the county clerk of the appropriate county, and the county clerk shall, in the exercise and performance thereof, be subject to the same liabilities and responsibilities as are prescribed in such sections in the case of coroners.

§154. *When county treasurer of Erie county to act as coroner.* - In the county of Erie the powers imposed and the duties conferred upon coroners by sections one hundred and ninety-six to one hundred ninety-nine-f of this chapter shall be exercised and performed by the county treasurer of such county, and such county

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treasurer shall, in the exercise and performance thereof, be subject to the same liabilities and responsibilities as are prescribed in such sections in the case of coroners.

CHAPTER VI

ACTIONS AGAINST

PENAL LAW

§1838. *Injury to records and misappropriation by ministerial officers.* - A sheriff, coroner, clerk of a court, constable or other ministerial officer, and every deputy or subordinate of any ministerial officer, who:

1. Mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his office; or,
2. Fraudently appropriates to his own use or to the use of another person, or secretes with intent to appropriate to such use, any money, evidence of debt or other property intrusted to him in virtue of his office.

Is guilty of felony.

§1839. *Permitting escapes, and other unlawful acts, committed by ministerial officers.* - A sheriff, coroner, clerk of a court, constable, or other ministerial officer, and every deputy or subordinate of any ministerial officer, who:

1. Receives any gratuity, or reward, or any security or promise of one, to procure, assist, connive at or permit any prisoner in his custody to escape, whether such escape is attempted or not; or,

2. Commits any unlawful act tending to hinder justice,

Is guilty of a misdemeanor.

A conviction of a sheriff or other officer also operates as a forfeiture of his office, and disqualifies him forever thereafter from holding the same. The governor shall, upon application, grant a hearing to a person convicted under this section, and if he be satisfied that the facts warrant it, he may, by order, relieve such person from such disqualification.

JUDICIARY LAW

§753. *Contempts punishable civilly.* - A court of record has power to punish, by fine and imprisonment, or either, a neglect or violation of duty, or other misconduct, by which a right or remedy of a party to a civil action or special proceeding, pending in the court may be defeated, impaired, impeded, or prejudiced, in either of the following cases:

1. An attorney, counsellor, clerk, sheriff, coroner, or other person, in any manner duly selected or appointed to perform a judicial or ministerial service, for a misbehavior in his office or trust, or for a wilful neglect or violation of duty therein; or for disobedience to a lawful mandate of the court, or of a judge thereof, or of an officer authorized to perform the duties of such a judge.

CHAPTER VI

THE NEW YORK

CHAPTER VII

The first of the new Yorks was the one which was built by the government in 1802. It was a small ship, but it was the first of its kind. It was built by the government, and it was the first of its kind.

The second of the new Yorks was the one which was built by the government in 1803. It was a small ship, but it was the first of its kind. It was built by the government, and it was the first of its kind.

The third of the new Yorks was the one which was built by the government in 1804. It was a small ship, but it was the first of its kind. It was built by the government, and it was the first of its kind.

CHAPTER VIII

The first of the new Yorks was the one which was built by the government in 1805. It was a small ship, but it was the first of its kind. It was built by the government, and it was the first of its kind.

The second of the new Yorks was the one which was built by the government in 1806. It was a small ship, but it was the first of its kind. It was built by the government, and it was the first of its kind.

CHAPTER IX

CHAPTER X

The first of the new Yorks was the one which was built by the government in 1807. It was a small ship, but it was the first of its kind. It was built by the government, and it was the first of its kind.

CHAPTER XI

The first of the new Yorks was the one which was built by the government in 1808. It was a small ship, but it was the first of its kind. It was built by the government, and it was the first of its kind.

The first of the new Yorks was the one which was built by the government in 1809. It was a small ship, but it was the first of its kind. It was built by the government, and it was the first of its kind.

CIVIL PRACTICE ACT

§49. *Actions to be commenced within three years.* - The following actions must be commenced within three years after the cause of action has accrued:

1. An action against a sheriff, coroner, constable or other officer for the non-payment of money collected upon an execution.

2. An action against a constable upon any other liability incurred by him by him doing an act in his official capacity or by the omission of an official duty; except an escape.

3. An action upon a statute for a penalty or forfeiture where the action is given to the person aggrieved or to that person and the people of the state, except where the statute imposing it prescribes a different limitation.

4. An action against a director or stockholder or a moneyed corporation, or banking association, to recover a penalty or forfeiture imposed, or to enforce a liability created by the common law or by statute. The cause of action is not deemed to have accrued until the discovery by the plaintiff of the facts under which the penalty or forfeiture attached or the liability was created.

5. An action against an executor, administrator or receiver, or against the trustee of an insolvent debtor appointed as prescribed by law in a special proceeding, where the action is brought to recover a chattel, or damages for taking, detaining or injuring personal property, by the defendant or the person whom he represents.

6. An action to recover damages for *an injury to property*, or a personal injury, resulting from negligence.

7. *An action to recover damages for an injury to property, except in the case where a different period is expressly prescribed in this article.* (Am'd. L. 1936, ch. 558, in effect Sept. 1, adding "an injury to property, or" in subd. 6 and adding subd. 7, applying only to causes of actions for damages to property arising after Sept. 1, 1936; cf. §48.)

8. An action to recover damages for a violation of the right of privacy under section fifty-one of the civil rights law. (Subd. 8 added L. 1938, ch. 497, in effect April 5.)

§50. *Actions to be commenced within two years.* - The following actions must be commenced within two years after the cause of action has accrued:

1. An action to recover damages for assault, battery, seduction, criminal conversation, false imprisonment, malicious prosecution or malpractice.

2. An action upon a statute for a forfeiture or penalty to the people of the state. (Am'd. L. 1936, ch. 327, in effect April 8, requiring accrued causes of action for libel or slander to be commenced within two years from accrual and within one year from April 8, 1936.)

§51. *Actions to be commenced within one year.* - The following actions must be commenced within one year after the cause of action has accrued:

1. An action against a sheriff or coroner upon a liability incurred by him by doing an act in his official capacity or by omission of an official duty; except the non-payment of money collected upon an execution.

2. An action against any other officer for the escape of a prisoner arrested or imprisoned by virtue of a civil mandate.

3. *An action to recover damages for libel or slander.* (Am'd. L. 1936, ch. 327, in effect April 8, requiring accrued causes of action for libel or slander to be commenced within two years from accrual and within one year from April 8, 1936.)

CHAPTER VII

SEPARATION FROM OFFICE

PUBLIC OFFICERS. LAW

§31. *Resignations.* - Public officers may resign their offices as follows:

1. The governor, lieutenant-governor, comptroller and attorney-general, to the legislature.

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4. Sheriffs, coroners, county clerks, district attorneys and registers of counties, to the governor;

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Every resignation shall be in writing addressed to the officer or body to whom it is made. If addressed to an officer, it shall take effect upon delivery to him at his place of business or when it shall be filed in his office.

If addressed to the legislature or to the presiding officer of either house thereof it shall be delivered to and filed with the secretary of state, and shall take effect upon such delivery, and shall be filed with the clerk, or if there be no clerk, with the other records of such body. A delivery at the office or place of residence or business of the person to whom any such resignation may be delivered shall be a sufficient delivery thereof.

§33. *Removals by governor.* - An officer appointed by the governor for a full term or to fill a vacancy, whose appointment is not required by law to be made by and with the advice and consent of the senate, any county treasurer, any county superintendent of the poor, any register of a county or any coroner, except as otherwise provided by special provision of law, may be removed by the governor within the term for which such officer shall have been chosen, after giving to such officer a copy of the charges against him and an opportunity to be heard in his defense.

§34. *Proceedings for removal by governor.* -

1. In any proceeding for the removal by the governor of a public officer, he may conduct an investigation into the charges, and may take the evidence as to the truth of the charges at a hearing for such purpose, or he may direct that such investigation or hearing, or both, shall be conducted by a justice of the supreme court of the judicial district, or the county judge of the county, in which the officer proceeded against shall reside, or by a commissioner appointed by the governor, by an appointment, in writing, filed in the office of the secretary of state.

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9. All sheriffs, coroners, constables and marshals to whom process shall be directed and delivered under this section shall execute the same without unnecessary delay.

CHAPTER VIII

LIMITATIONS ON JURY SERVICE AS A RESULT OF HAVING SERVED AS CORONER

CODE OF CRIMINAL PROCEDURE

§377. *Grounds of challenge for implied bias.* - A challenge for implied bias may be taken for all or any of the following causes, and for no other:

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4. Having served on the grand jury which found the indictment, or on a coroner's jury which inquired into the death of a person whose death is the subject of the indictment;

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